

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:11-CR-45-D  
No. 4:14-CV-108-D

UNITED STATES OF AMERICA     )  
  )  
                          v.                )  
  )  
JAMES CALVIN EBRON,                )  
  )  
                          Defendant.    )

**ORDER**

On July 25, 2012, this court sentenced James Calvin Ebron (“Ebron”) to 288 months’ imprisonment for conspiracy to distribute and possess with the intent to distribute one kilogram or more of heroin, a quantity of marijuana, and a quantity of ecstasy in violation of 21 U.S.C. § 846. See [D.E. 40, 48]. Ebron appealed and the United States Court of Appeals for the Fourth Circuit affirmed Ebron’s conviction and dismissed Ebron’s appeal of his sentence. See United States v. Ebron, 514 F. App’x 358, 359 (4th Cir. 2013) (per curiam) (unpublished).

On April 22, 2015, Ebron filed a motion to reduce his sentence under 18 U.S.C. § 3582(c)(2). See [D.E. 66]. On May 7, 2015, the government responded in opposition and noted that Ebron was not eligible for relief due to Ebron’s status as a career offender. See [D.E. 69]. On May 11, 2015, Ebron filed another motion to reduce his sentence under 18 U.S.C. § 3582(c)(2). See [D.E. 72].

Ebron is not entitled to relief under section 3582. See, e.g., United States v. Munn, 595 F.3d 183, 187 (4th Cir. 2010). Alternatively, even if Ebron were eligible for relief under section 3582(c), the court would decline to exercise its discretion to reduce his sentence. See United States v. Perez, 536 F. App’x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010); cf. United States v. Smalls, 720 F.3d 193, 196–97 (4th Cir. 2013).

Ebron is a recidivist drug dealer with a history of violence. See PSR [D.E. 38] ¶¶ 18, 21, 26–35, 39. Having (again) reviewed the entire record, the court concludes that Ebron received the sentence that was sufficient but not greater than necessary under 18 U.S.C. § 3553(a). See, e.g., Perez, 536 F. App'x at 321.

In sum, Ebron's motions for a sentence reduction [D.E. 66, 72] are DENIED.

SO ORDERED. This 2 day of June 2015.

  
JAMES C. DEVER III  
Chief United States District Judge